**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT :**

**THE HONOURABLE MR. JUSTICE K.M.JOSEPH**

**MONDAY, THE 26TH MARCH 2007 / 5TH CHAITHRA 1929**

**WP(C).No. 10264 of 2007(V)**

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**PETITIONERS:**

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1. **THE YMCA NURSERY AND PRIMARY SCHOOL CHEPPAD HARIPAD,REPRESENTED BY ITS MANAGER TM IDICULLA.**

2. **THE LOURDU MATHA ENGLISH MEDIUM SCHOOL, INCHAKUNDU,TRISSUR,REPRESENTED BY THE MANAGER REV.FR.TOM MALIYEKKAL.**

3. **THE LITTLE FLOWER CONVENT ENGLISH MEDIUM SCHOOL,KORATTY REPRESENTED BY THE MANAGER SR.THEELA.**

4. **THE ST.GREGORIOUS ENGLISH MEDIUM SCHOOL, CHEPPAD,REPRESENTED BY THE MANAGER PHILIP.N.KOSHY.**

5. **THE ST.MARYS ENGLISH MEDIUM SCHOOK, PALLIKKARA,MORAKKALA REPRESENTED BY THE MANAGER FR.THEELA.**

**BY ADV. SRI.R.RAJASEKHARAN PILLAI**
**SMT.SABINA JAYAN**

**RESPONDENTS:**

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1. **THE STATE OF KERALA REPRESENTED BY THE SECRETARY GENERAL EDUCATION DEPARTMENT GOVT. SECRETARIAT,TRIVANDRUM.**

**2. THE DIRECTOR OF PUBLIC INSTRUCTION,**
**THIRUVANANTHAPURAM.**

**3. THE DEPUTY DIRECTOR OF EDUCATION,**
**ERNAKULAM.**

**4. THE DEPUTY DIRECTOR OF EDUCATION,**
**ALAPPUZHA.**

**5. THE DEPUTY DIRECTOR OF EDUCATION,**
**THRISSUR.**

**BY GOVERNMENT PLEADER (SHRI A.J. VARGHESE)**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 26/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

**K. M. JOSEPH, J.**

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**W.P.C. NO. 10264 OF 2007 V**

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**Dated this the 26th March, 2007**

**JUDGMENT**

Petitioners are conducting unaided and unrecognized Schools. Prayer in the Writ Petition is to direct respondents 3 to 6 to sanction permission to conduct examinations, to issue TC for Standards I to VI, and for a further direction to respondents 1 and 2 to consider the claim for granting recognition to the petitioner Schools. Petitioners have filed Affidavits which read, inter alia, as follows:

> *".....It is respectfully submitted that the pupils studying in the School run by me are following a different byelaw and to give in their annual examination under a syllabus alaien to them.....It is therefore respectfully submitted that permission may be granted for the current academic year 2006 - 2007 to the school run by me to conduct annual examinations for the pupils studying upto and inclusive of Standard VI in my school and to issue*

*transfer certificate to the interested students to prosecute further studies in schools of their choice from the next academic year onwards.....I undertake that private study in my school will be confined to Standard IV in the next academic year and from the next academic year this petitioner will enable the pupils studying in my school to pursue their studies in Government/Aided/recognized institutions from Standard VI and follow Rules 7 & 8 of Chapter VI of KER strictly from next academic year onwards."*

2. Heard the learned Government Pleader also. In the light of the Affidavits so filed, the Writ Petition is disposed of directing respondents 3 to 5 to consider and pass orders in accordance with the Order dated 11.12.2001 on the applications filed by petitioners before them seeking permission to conduct examinations in their Schools for Standards I to VI for this year and to issue TC for this year, within a period of one week from

the date of receipt of a copy of this Judgment. I leave open the question relating to recognition of the Schools.

**K. M. JOSEPH, JUDGE**

kbk.